Box
Index No.

This Abstract MUST be returned at once to
JAS. A. CLAYTON & CO.

ABSTRACT OF TITLE
OF PROPERTY OF

W. W. Cozzens

Abstract of Lupton Tract

TO

92.32 Acres of the Narraez part of the Grace J. Lupton Tract

COUNTY OF SANTA CLARA,
State of California.

Dated, March 21st *1888*

MADE AT THE REQUEST OF

W. W. Cozzens Esq

EDWARDS & PITMAN,
Searchers of Records
Room, 43 Knox Block,
SAN JOSE, CAL.

Abstract of Title.

To

All that certain piece or parcel of land described as follows.

Same as in deed from Mary R. Easterday to W. W. Lezzens dated March 23d 1887. and more fully set forth on page 53 of this Abstract Subsequent to July 1-1893.

EDWARDS & PITMAN
SEARCHER OF RECORDS
SAN JOSE, CAL.

MAP

OF THE PROPERTY OF

W. W. COZZENS

PORTION OF THE ESTATE

OF Grace J. Lupton Dec'd

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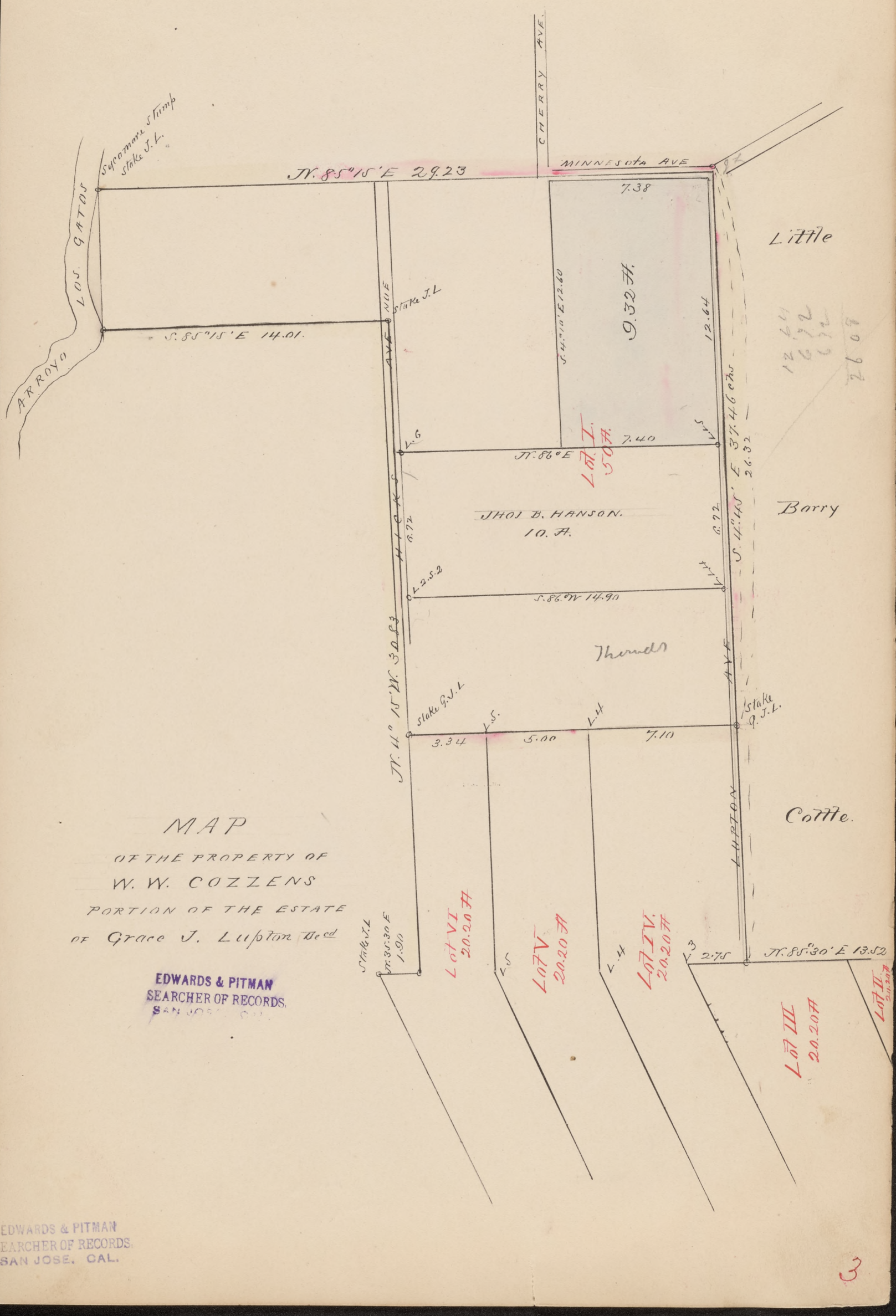
SEARCHER OF RECORDS,
SAN JOSE, CAL.



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SAN JOSE, CAL.

In the District Court of the 20th Judicial District
State of Cal. County of Santa Clara.

Grace Jane Lupton et als.
Plffs.

—— vs ——

William Lupton et al
Defts.

Decree of Partition

Dated February 1. 1873.

This cause coming on regularly to be heard at the January Term 1873 of said Court upon the complaint of Plffs and the answer of the defts confessing the allegations of the complaint and the Plffs appearing by their Attorneys Bosley & Rankin and the defts A W. Eastenday and Matilda A. Eastenday his wife and L. Dion by their Attorney Joseph W. Johnson, and the said defts Wm Lupton and Lilla Blum minors by their guardian ad litem J H. Laine theretofore appointed by the Court guardian ad litem for the purpose of defending and protecting the respective rights and interests of said infant defts, and it appearing to the Court from the proofs and pleadings of the parties Plff & defts that the tract of land mentioned in the Plffs complaint and hereinafter more particularly described belongs to and constitutes a part of the estate of Jonathan Lupton deceased, that the Will of Jonathan Lupton dec'd a copy of which is attached to the complaint in this action has

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been duly and regularly probated by the Probate Court of Santa Clara County, and is the last Will and testament of said Jonathan Lupton deceased, that the infant defft Lola Coburn is the sole heir at law of Mary J. Coburn now dec'd was one of the daughters of said Jonathan Lupton and a devisee under his said will, and that by the terms and provisions of said will the said Jonathan Lupton devised the North Western 50 acres of said tract of land mentioned in the complaint to the Pltff Grace Jane Lupton the wife of said Jonathan Lupton and the residue share and share alike to his children Jonathan T. Lupton, Joseph M. Lupton, William Lupton Matilda A. Eastenday and Mary J. Coburn and directed in said last Will that the tract of land after the 50 acres devised to his said wife should be set apart to her should be divided as near as could be by lines running North and South through the same and it further appearing to the Court that said Grace Jane Lupton has elected to take under the will of her said husband and she having presented and filed in this Court her written election in that behalf by her signed. The allegations & proofs of the parties being heard and fully considered it is now ordered adjudged and decreed by the Court that the said Grace Jane Lupton, Jonathan T. Lupton, Joseph M. Lupton, William Lupton Matilda A. Eastenday and Lola Coburn are the owners in fee as tenants in common of the tract of land mentioned in the complaint in this action and more particularly described as follows to wit:

Beginning at a Sycamore stump standing near

the right bank of the Arroyo Los Gatos in Santa Clara County State of Cal. and running thence N 85° 15' E 29 23/100 chains to a stake marked J L. thence along the line dividing paid lands from the lands of Barry Little and others. S 4° 45' E 37 46/100 chs. to a stake standing at the corner of two fences. thence along a fence N 85° 30' E 13 52/100 chs. to a stake marked J L. standing at the corner of Cattle's land, thence S 29° E 25 32/100 chs to a stake marked J L. standing in the center of the Alum Lane and on the Northern line of the lands of Hamilton. thence along the North line of paid Hamiltons land S 61° W 28 18/100 chs. to a stake marked J L. standing at the North East boundary line of the lands of Hicks. thence along the Eastern line of Hicks land N 28° 30' W 31 10/100 chs. to a stake, marked J L. thence N. 85° 30' E. 1.90. chains to a stake marked J L. thence N 4° 15' W 30 80/100 chs to a stake marked J L at the North East corner of the lands of Hicks, thence along the Northern line of the lands of Hicks S 85° 15' W 14 01/100 chs. to a stake, marked J L. standing near the right bank of the Arroyo Los Gatos, thence N 2° 45' W 6 90/100 chains to the place of beginning.

Containing 15 1/10 acres of land - Courses true - Mag. var. 16 1/4° E.

It is further ordered adjudged and decreed that the said Grace Jane Lupton is the owner in fee as tenant in common as aforesaid and entitled to have set off to her in severalty 50 acres of said land to be taken from the North Western part thereof.

That the said Jonathan T. Lupton is the owner

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in fee as tenant in common as aforesaid 20 20/100 acres of paid land and entitled to have the same set off to him in severalty.

That Joseph M. Lupton, William Lupton, Matilda A. Eastaday, and Lola Coburn are each and all owners in fee as tenants in common as aforesaid and each entitled to have set off to them and to each of them in severalty 20 20/100 acres of paid tract of land.

And it further appearing to the Court that paid tract of land can be partitioned among the several parties according to their respective rights as herein fixed and determined without prejudice to any one of paid tenants in common and according to the direction of paid Will and that the same has been surveyed and divided according to the direction of paid will by E. Rayner a competent surveyor a map or plat of which survey and partition is hereunto attached and made a part of this decree. (Here follows a map showing the Partition of the Estate of J. Lupton dec surveyed by E. Rayner C.E.)

And all parties in open Court having expressed themselves satisfied with the said division as made by said Rayner as aforesaid and it appearing to the Court that the same is in all respects just & in accordance with the provisions of the will of Jonathan Lupton deceased. It is therefore Ordered adjudged and decreed that the said Ipsa Jane Lupton is the owner in severalty and there is hereby set off to her in severalty the following described portion of paid tract of land.

Beginning at a sycamore stump standing near the right bank of the Arroyo Los Gatos and running thence N 85° 15' E. 29.23 chains to a stake marked J L. thence S 4° 15' E 26.32 chains to a stake marked G J L. standing on the Eastern line of said estate, thence S 85° 15' W 15.50 chains. to a stake marked G J L standing in the Eastern line of Hicks land thence along the Eastern line of Hicks land N 4° 15' W 19.69 chains to a stake marked J L. at the N.E. corner of land of lands of Hicks, thence along the Northern line of said Hicks land S 85° 15' W 14.01 chs to a stake standing in the right bank of the Arroyo Los Gatos, and thence along the bank of the Arroyo Los Gatos N 2° 45' W 6.90 chains to the place of beginning. Containing 50 acres and being marked on the map of said premises made by said Rayner as Lot Nr. 1.

1969
4.90
5.9
2 6.5.9

12.6.11

(And other property to other persons.)

It is further ordered and decreed that the mortgage lien of the deft L. Lion shall attach to and be a lien on the premises set apart in severalty to the Plff Joseph M. Lupton, and that the said lien is hereby removed from the residue of said premises set apart as aforesaid to the other parties Plff & deft. and it is further ordered that the costs and expenses of this partition be paid by the respective parties pro rata and that the said expenses shall remain a lien on the respective shares so set apart as aforesaid until the same shall be fully paid & discharged. That the costs of this proceeding be & the same are hereby taxed at $177.05 and J M. Laine guardian ad litem be allowed the sum of $50

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as a compensation for his services. as guardian for the infant defts William Lupton. and Lola Coburn and that paid infant defts each pay one half of the same.
February 1. 1873.

D. Belden

District Judge.

Note. A certified copy of above decree was recorded in the County Recorders Office February 11. 1873 in Liber E of Miscellaneous p. 128.

Sol Easterday and
Matilda A Easterday
his wife
parties of the First part
and
Grace J Lupton
party of the Second part

Agreement

Dated April 29-1874

Recitals That for and in consideration of the sum of $100 00 and the other agreements hereinafter contained the Second party sells and conveys unto first parties for a public highway a strip of land 30 feet wide. Commencing at a gate standing at the South extremity of Cherry Avenue on the North line of her land the same being Lot No 1 as set apart to her in the partition suit of Grace J Lupton et al vs Wm Lupton et al in the District Court of the 20th Judicial District of the State of Cal in and for the County of Santa Clara and running thence along the North side of said Lot 1 to its North Eastern corner thence South along the East line of said lot to its South Eastern corner - said strip to be 30 feet wide and to be taken from the

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most Northern and Eastern parts of said last so as not to leave any of said lot either North or East thereof and the parties of the first part agree to within 12 days from this date to move the fence of the second party from the said South end of Chury Avenue to the North Eastern corner of said Lot 1 six 30 feet and reset the same on the line of lot 1 as it will be after subtracting said 30 feet strip therefrom and also to erect a good and substantial picket fence on the Eastern line of said lot 1 so as to throw out the said 30 feet strip and to furnish the materials for said new fence the second party to pay 1/3 of the cost of the said new fence and also of the removal and erection of the old fence on the said North line.

And the first parties in consideration of the premise promise and agree to throw out for a public highway a strip along the East and South line of Lot 4 set apart to Matilda A Lupton in the partition proceedings above referred to said strip to be 30 feet wide and the same is hereby conveyed to said Grace J Lupton for the purpose of a road said strip is a continuation of the one conveyed by the Second party above and runs along the East line of lot 4 aforesaid to lot 3 of

said partition proceedings thence West along the North line of said lot 3. 15 feet beyond the North West corner of the said lot 3 and the parties of the first part promise and agree to fence off and throw open to public travel said 20 feet strip within 15 days from the date hereof.

And it is mutually agreed between all the parties hereto that said strip of land and the whole thereof shall be forever open to travel as a public road

(Sig) Grace J Lupton (Real)
D. W Easterday (Real)
Matilda Easterday (Real)

Ackgd April 29-1874
By Grace J. Lupton
as though a single woman
D W. Easterday and
Matilda Easterday his wife
all Befor E. W Aram N.P.

Recorded April 29-1874
Libr 32 of Deeds f 184

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SAN JOSE, CAL.

Grace Jane Lupton

___ To ___

John B Nauson

<To Show Boundary>

Deed

Dated Dec 23, 1881

Cons $400.00

Does grant bargain and sell convey and confirm unto the second party and to his heirs and assigns forever all that piece of land situate in the County of Santa Clara and described as follows Beginning at a stake marked L4 standing in the West line of Lupton Avenue a road 30 feet wide at a point N 4° 20' W 6.702 chs from the intersection of said West line of said Avenue with the face line between lands of M. E. Weaver and Mrs Lupton said point Lot 4 being also the North East corner of R A Thomas 10 acre tract and running thence along the North line of said Thomas 10 acre tract S 86° W 14.90 chs to the North West corner of said Thomas land in East line of Hicks Avenue a road 50 feet wide at a stake marked L2 S2 thence along East line of said Avenue N 3° 55' W 6.72 chs to a stake marked L6. thence parallel to the first line N 86° E 14.87 chs to the intersection with the West line

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75

of Lupton Avenue - aka stake marked D.L. 5
thence along the Westline of said
Avenue N 4° 20' E 6.72 chs to the place of begin-
ning Containing 10 acres and being part
of the Mrs Lupton Tract in the Rancho
San Juan Bautista. Courses true Var
17° E

(Sig) Grace J. Lupton (Seal)

Witness
James A Clayton

Ackgd Dec 23. 1881
by Grace Jane Lupton (widow)
Before James B Cafe N.P.

Recorded Dec 24. 1881
Liber 62 of Deeds f 80

Note
This Deed is shown for boundary only.

Joseph M Lupton

To

John F Lupton

Mortgage

Dated June 7/1884

To secure the payment of $500 &c
Mortgages all the interest of first party
in the Estate of Grace Jane Lupton
deceased. (and other property)

Recorded June 5/87

Liber 57 of Mtgs fo 91

Cancelled on the margin of the record
Dec 19-1885

by John F Lupton

Attest

by County Recorder

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SAN JOSE. CAL.

In the Superior Court. County of Santa Clara
State of California.

In the Matter of
the Estate of
Grace J. Lupton
Deceased.

Reg E. f. 143. Estate Nº. 1662.

1884
June 14

Petition of Jonathon T. Lupton for letters of administration filed therein:
That Grace J Lupton died on or about May 31. 1884 in the County of Santa Clara being at the time of her death a resident thereof and leaving estate therein consisting of real and personal property. That the value and character of said property are as follows:
Money loaned $4065.
Furniture $2000.
Real estate consisting of about 18 acres of land bounded N by Hicks and Minnesota Avenue. E by Lupton Ave. S by lands of Hanson. West by Hicks Avenue. worth about $4000.
Also an undivided one fifth interest in about 20 acres of land bounded on the N by lands of B. Smith. on

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the East by lands of R. Cottle - on the S by lands of Demonio and West by lands of Allison. worth about $1000.
All in Santa Clara County.
That the estate and effects do not exceed the value of $12.000.

That the next of Kin and heirs at law of said deceased are petr. a son aged 41 years residing at said County.-
Joseph Lupton a son aged about 36 years also residing in this County.
Nancy J. Easterday grand daughter aged 21 years residing in this County - Mary R. Eastnday and James A. Easterday grandchildren aged respectively 19 & 16 residing at Niles Alameda Co. and Lola J. Allison granddaughter aged about 24 years residing in Woodland Yolo Co. Cal.

That due search and inquiry have been made to ascertain if said deceased left any will and testament but none has been found and according to the best Knowledge information and belief of petr. said deceased died intestate.

That petr. is a son of said deceased and therefore entitled to Letters of Admn.

Wherefore petr. prays &c.
Dated June 18. 1874
Lamie & Johnston
Attys for petr.

June 14 Order appointing Friday June 27. 1884 day for hearing said petition for Letters of Admr. and directing that the Clerk give notice thereof by causing notices to be posted according to law. made entered and filed. Pro. Rec. 23 p. 440.

Affidavit of Thomas Bodley of posting on June 14. 1884 copies and true copies of the notice of time and place appointed for hearing said Petition for Letters of Admr. in three of the most public places within Santa Clara Co. (naming them.) filed.

" 27 Order appointing Jonathan T. Lupton Admr. and directing letters of admr. to issue to him upon taking the oath and giving a bond according to law in the sum of $8700 made entered and filed. Pro. Rec. 23 p. 443.

June 30 Bond of Admr. approved recorded filed. Bond D. p. 263.

" " Letters of Admr. with oath annexed issued to Jonathan T. Lupton recorded and filed. Book C of Letters p. 610.

" " Order appointing Edw. Morris Weaver Ira Cottle and Jas A. Clayton Appraisers made entered and filed.

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July 2 — Inventory and appraisement filed.

Real estate.

One lot of land consisting of about 18 acres situated in the Willows near San Jose in Santa Clara County bounded North by Minnesota & Hicks Avenues on the East by Lupton Avenue and the South by the lands of J B. Hanson and on the West by Hicks Avenue.

Appraised at $3400.

(And other property not under search)

Personal property valued at $4231.

All the estate mentioned in the foregoing inventory is separate property.

(Duly verified.)

July 10. — Order of publication of notice to creditors in the San Jose Daily Herald at least once a week for four weeks. made entered and filed.

Bro. Records 23 p. 474.

Aug. 15. — Affidavit of J T. Thompson principal clerk of the printer of the San Jose Daily Herald of publication of notice to creditors in said newspaper for six consecutive weeks from & including July 10. 84 to and including August 14 1884. Sundays and legal holidays excepted filed.

1884	
Nov 15	Petition for order of sale of personal property filed.
" "	Order appointing time and place for hearing application to sell personal property and directing notice be given. filed.
" "	Affidavit of posting on application for order to sell personal property filed.
1885	
April 4	Final account of Admr. filed.
" 6	Vouchers filed.
" "	Petition of Jonathan T. Lupton Admr for distribution of estate filed. shows. (previous proceedings) and That on April 4. 1885 petitioner filed his acct as such Admr. which said accounts after due hearing and examination were finally settled." That all the debts of said deceased & of said estate and all the expenses of the Admr. thereof thus far incurred & all taxes that have attached to or accrued against the said estate have been paid & discharged and said estate is now in a condition to be closed That the residue of said estate now remaining in the hands of petitioner is hereinafter set forth and described.

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That the whole of said estate is the sole and separate property of said Grace J. Lupton who was a widow.

That said Grace J Lupton died intestate in the County of Santa Clara on May 31. 1884 leaving her surviving as her heirs at law J. J. Lupton a son. Joseph Lupton a son (since deceased) Nancy J. Easterday a granddaughter. Mary R. Easterday a granddaughter. James A. Easterday a grandson and Lola J. Allison a granddaughter.

That C. J. Kettle is the duly appointed & acting Executor of the will of Joseph Lupton now deceased and as such is entitled to said decedents share of said estate.

That the said parties above named are entitled to the whole of the residue of said estate.

Wherefore petitioner prays that the admr. of said estate may be brought to a close and that he may be discharged from his trust as such Admr. That after due notice given and proceedings had the estate remaining in his hands may be distributed to the said parties entitled thereto as aforesaid to wit: the money on hand $323.35 and one lot of land of 16 acres and 1/5 interest undivided in one other lot of land consisting of about 20 acres and three notes amounting in the aggregate to $2915. or that such other further

order may be made as is meet in the premises.
And pet. will ever pray &c.
Dated April 4. 1885.
(sgd) J. F. Lupton
per J H Lamie his Atty.

April 6. Order appointing day for settlement of account and directing notice to be given made entered and filed.
Bks. Records 25 p. 100.
"Jonathan Lupton the Admr of the estate of Grace Jane Lupton deceased having this day rendered and presented for settlement and filed in this Court his final acc of his Admr. of the estate of said Grace J Lupton with a petition for distribution It is ordered that Friday the 17th day of April 1885 at 2 o. clock P M be and the same is hereby appointed for the settlement of the said account and that the Clerk give notice thereof by causing notices to be posted in at least three public places in this Santa Clara Co. at least ten days before said day of settlement & distribution according to law.
Dated April 6. 1885
Wm E. Spencer
Judge of the Superior Court."

April 6 Affidavit of James L. Lane of posting on April 6. 1885 exact and true copies

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of the notice of time and place appointed for settlement of said final account in three of the most public places within Santa Clara County (naming them) filed.

Note: The Clerks notice annexed to the foregoing Affidavit does not show that there was any time appointed for hearing petition for distribution. (Saunders)

April 17 — Order continuing matter until Friday April 24. 1885 made & entered.
Prs. Rec. 25. p 165.

" 24 — Decree showing that due and legal notice to creditors has been given, made entered and filed. Prs. Records 25 p. 190.

" 30 — Decree of settlement of final a/c and distribution of estate made entered filed.
Prs. Records 25 p. 200.

Ordered adjudged and decreed that said account be and the same is hereby in all respects approved allowed and settled.

That all the acts and proceedings of said Admr. as reported to Court be and the same are hereby approved & confirmed and that after deducting the estimated expenses of closing the Admr. of said estate the residue of said estate of Agnes J. Lupton deceased hereinafter described and now remaining in the hands of said Admr. and any other

property not now known or discovered which may belong to the said estate or in which the said estate may have any interest be and the same is hereby distributed as follows:

To Johnathan T. Lupton one undivided one quarter.

To C. T. Settle Exr of the Will of Joseph Lupton 1/4

To Nancy J. Easterday. Mary R. Easterday and James A. Easterday each 1/12 undivided and to Lulu Allison the remaining 1/4 thereof.

And it is further ordered that the said Admr. upon payment and delivery of the residue as hereinbefore ordered and upon filing due and proper vouchers and receipts therefor- in this Court be fully and finally discharged from his trust as such Admr. and that his sureties shall thereupon and thereafter be discharged from all liability for his future acts.

The following is a description of the residue of said estate referred to in this decree and of which distribution is ordered adjudged and decreed as aforesaid.

Money on hand $323.

Three promissory notes amounting in the aggregate to $2915.

One lot of land in the Willows near

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San Jose in Santa Clara County bounded on the N by Minnesota & Hicks Avenue on the E by Lupton Ave. and on the S by lands of J B. Hanson and on the West by Hicks Avenue.
containing about 18 acres.
(And other property not under search)
And it is further ordered that a certified copy of this decree be recorded in the County Recorders office.
Done in open Court April 24. 1885
Wm. T. Spencer
Superior Judge.

Note. A certified copy of above decree was recorded in the County Recorders office November 10. 85 in Liber L of Miscellaneous p. 595..

Sept 25. Receipts of Lola J. Allison. Jonathan T. Lupton - Mary R. Easterday. Jr. Jennie Easterday and James Easterday by Joseph Tyson his guardian, and C D. Bettle Exr. of the last Will of J. M. Lupton filed.

" " Final discharge of Admr. made entered and filed. Pro. Record 26 p. 72

Superior Court
—of the—
County of Santa Clara

In the Matter of the Estate
—of—
Joseph M. Lupton, Deceased.

Reg E. Page 191
Estate No 1698.

1884
Oct 13 Last Will and Testament filed.

(Copy)

"I Joseph M Lupton of Santa Clara County, State of California being of sound mind and disposing memory but mindful of the uncertainty of human life hereby make publish and declare this to be my last will and testament:

That is to say:

1st I give, devise and bequeath unto my brother Jonathan F Lupton of the said County and State if he should be living at my death all my property real, personal and mixed of whatever name or nature and wheresoever situate; but, however if my said brother should die before my decease then and in that event I give devise and bequeath all of

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1884

Oct 13 property real personal and mixed unto the wife and children at my death of my said brother share and share alike.

2nd I hereby appoint C. T. Settle Executor of this my last Will, and direct that no bonds be required of him at any time.

3rd I hereby give my said Executor power to sell any or all of my real estate without the order of any Court therefor first being had or obtained.

4th I hereby revoke all former wills by me made.

In witness whereof I have hereunto set my hand and seal this 25th day of July 1884.

Joseph M. Lupton (Seal)

Witnesses
J. H. Laine
Residing at Santa Clara County
C. M. Compton.
Residing at Santa Clara County.

" " Petition of C. T. Settle for Probate of Will filed. Shows: That J. M. Lupton died on or about the ___ day of ___ 1884

1884

Oct 13 | at the Co. of Santa Clara being at the time of his death a resident thereof and leaving estate therein consisting of real and personal property viz:

The undivided ½ of the Estate of his deceased mother Grace J Lupton consisting of real and personal property which estate is now in process of settlement; together with two guns and some camp equipage all of about the value of $ 2080.

That the estate and effects do not exceed the sum of $ —

That said deceased left a will bearing date July 24th 1884 in the possession of James A Clayton which petitioner alleges to be the last will and testament of said deceased and which is herewith presented to said Superior Court

That petitioner is named in said will as Executor thereof and Jonathan F. Lupton aged about — years residing at Santa Clara Co is named therein as devisee.

That the subscribing witnesses to said will are J. H. Laine residing in this Co of Santa Clara and

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1884
Oct 13 J M. Compton now residing in the State of Pennisee
That the next of kin and heirs at law of said testator and the names and ages and residences of said heirs are Jonathan J Lupton aged about 42 years residing at Santa Clara Co. a brother. Lulu Allison aged about 28 years a niece and Jennie Easterday aged about 21 years a niece both residing in Woodland Yolo Co. Cal. and James Easterday aged about 16 — a nephew residing at Niles Station in Alameda Co. Cal. and Mary Easterday aged about 20 years a niece residing at the last named place
That at the time said ~~will~~ was executed, to wit: on July 25" 1884 said testator was over the age of 18 years, to wit of the age of — years or thereabouts and was of sound and disposing mind and not acting under duress, menace fraud or undue influence and was in every respect competent, by last will to dispose of all his estate.
That said will is in writing

1884

Oct 13 signed by the said testator and attested by said subscribing witnesses at the request of said testator subscribing their names to the said will in the presence of said testator and in the presence of each other and petitioner that said witnesses at the time of attesting the execution of said will were and now are competent.

Wherefore petitioner prays &c.

Dated October 11" 1884.

<Sgd> C. T. Settle.

" " Order appointing Friday October 31" 1884 time for proving said Will and hearing said Application of C. T. Settle for Letters Testamentary thereon, and directing that notice be given thereof by the Clerk of said Court by publication not less than 10 days before said 31" day of October 1884 in the Daily Morning Times and that copies of said notice of the time appointed &c be addressed to the heirs of the said testators resident in this State at their respective places of residence as set forth in said petition and deposited in the U. S.

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1884

Oct 13 Post Office at the City of San Jose with the postage thereon prepaid at least 10 days before said date of hearing said petition, made entered and filed

Pro Rec 24 p. 132

Oct 15 Affidavit of Thos Dudley that on Oct 15th 1884 he deposited in the U. S. P. O. at the City of San Jose a true copy of the Notice of Time and Place appointed for Proving said Will and hearing said Application of C. P Settle for Letter's Testamentary thereon, enclosed in an envelope with the proper and necessary postage prepaid thereon and addressed to each of the following named persons to wit: Jonathan F. Lupton, Lula Allison, Jennie Easterday, James Easterday and Mary Easterday at their respective places of residence as set forth in the Petition for the Probate of the Will of said deceased filed in this Court Oct 13th 1884 to wit. Jonathan F Lupton at San Jose Cal.; Lulu Allison and Jennie Easterday at Woodland Yolo County Cal. and James Easterday and Mary Easterday, at Niles Station

1884

Oct 15 Alameda Co. Cal. filed.

Oct 31 Affidavit of Henry J Alexander principal clerk and Book-keeper of the Publisher, Printer and Proprietor of the Daily Morning Times, of Publication of Notice of Time and Place appointed for Proving said Will and hearing said Application of C. F. Settle for Letters Testamentary thereon, in said newspaper for 14 consecutive days from October 15th 1884 to Oct 31st 1884 inclusive Mondays excepted filed.

" " Testimony on Probate of Will, filed

" " Certificate of Proof of Will filed

" " Order admitting Will to Probate and appointing C. F. Settle Executor thereof and directing that Letters Testamentary issue to him upon taking the oath as required by law made entered and filed Pro Rec 24 p 169.

" " Will, Proof and Certificate of Proof recorded in Book F of Wills pages 101 & following

1884

Nov 22 Letters Testamentary, with oath annexed issued to C. P. Settle recorded and filed.
Book D of Letters Testamentary p. 127

" 26 Order appointing J. C. Arthur, E. Thomas and H. M. Gardner appraisers made entered and filed. Pro Rec 2+ p 214

Dec 3 Order of Publication of Notice to Creditors in the Daily Morning Times, at least once a week for 4 weeks made entered and filed
Pro Rec 2+ p. 311

" " Inventory and appraisement filed (Not among the papers)

1885

Jany 30 Affidavit of Chas M. Shortridge one of the Publishers and Proprietors of the Daily Morning Times of Publication of Notice to Creditors in said newspaper for 4 consecutive weeks from Dec 4" 1884 to Jany 5" 1885 Mondays and Jany 2" excepted. filed.

Mch 13. Claim of J. F. Empton for $844.65 amount due on 4 promissory notes one for $530,65 secured

1885

Mch 13 by Mortgage on real estate in said Mortgage described, the balance of said notes are unsecured; allowed approved and filed.

May 8 Decree showing that Due and Legal Notice to Creditors has been given made entered and filed Pro Rec 25 p 227.

June 5 Inventory and appraisement filed

Personal property of the value of $41.25

His interest in the Estate of his deceased mothers personal property being 1/4 interest therein appraised at $840.00

A like 1/4 interest in the real property of his said mothers estate to wit. 18 acres bounded on the North by Minnesota Avenue on the East by Lupton Ave on the South by land of Hanson, on the West by Hicks Ave. 1/4 interest appraised at $250.00

(And other property)

Total $2881.25

All of the estate mentioned in the foregoing inventory is separate property. (Duly verified)

35

1885

Aug 6	Finial account of Executor filed.
" "	Vouchers filed
" 7	Order dated Aug 6" 1857 appointing Friday August 21" 1885 day for the settlement of said Finial Account and directing the Clerk to give notice thereof by causing notices to be posted in at least three public places in Santa Clara Co at least 10 days before said day of Settlement according to law made entered and filed. Pro Rec 25" p 495.
" 10	Affidavit of Jas L Lawe of Posting on August 10" 1885 exact and true copies of the Notice of the Time and place appointed for settlement of said Finial Account in 3 of the most public places in the Co of Santa Clara (naming them) filed.
" 21	Decree of settlement of Finial Account of Executor made entered and filed Pro Rec 25" p 553
Sept 22	Petition of C. P. Settle Executor &c for Distribution of Estate filed.

1885
Sept 22 Shows (Previous proceedings)

That all the debts of said deceased and of said estate and all the expenses of the administration thereof thus far incurred, and all the taxes that have attached to or accrued against the said estate have been paid and discharged and said estate is now in a condition to be closed.

That the residue of the said estate now remaining in petitioners hands is fully set forth and described in Schedule "A" hereunto annexed and made a part of this petition.

That the whole of said estate is the separate property of said decedent who died unmarried and without issue.

That said Joseph M. Lupton died testate in said Co of Santa Clara On the _ day of _ AD 188_ leaving him surviving his brother Jonathan F. Lupton, his sister Lulu ____ and the children of two deceased sisters as his heirs at law, but willed the whole of his estate to his brother Jonathan F. Lupton

That said Jonathan F Lupton is entitled to the whole of the residue

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SEARCHER OF RECORDS

1885
Sept 22 of said estate

Wherefore petitioner prays that the administration of said estate may be brought to a close, and that he may be discharged from his trust as such Executor.

That after due notice given, & proceedings had, the estate remaining in his hands as aforesaid may be distributed to Jonathan F. Lupton or that such other or further order may be made as is meet in the premises, And petitioner will ever pray &c

Dated Sept 1' 1885.

Sgd C. T. Settle

Executor of the Will of

J. M. Lupton Deceased.

Note: Schedule "A" referred to in the foregoing petition is not attached.

Sept 23 Order to Show Cause on Friday Oct 9" 1885 why Decree of Distribution should not be made and directing that a copy of this order be posted by the Clerk in three of the most public places in the County at least 10 days before the said 9th day of Oct 1885 made entered and filed. Pro Rec 26 p 58.

1885

Sept 26 Affidavid of E. M. Vall of Posting on Sept 26 1885 exact and true copies of the Notice of Time and Place to show cause why Decree of Distribution should not be made, in three of the most public places within the Co of Santa Clara (naming them) filed.

Oct 9 Order continuing matter one week made and entered. Pro Rec 26 p 125.

23 Decree of Distribution made entered and filed. Pro Rec 26 p 213.

Ordered Adjudged & Decreed, That all the acts and proceedings of said C. T. Settle ~~Executor~~ as aforesaid as reported to this Court and as appearing upon the records thereof be and the same are hereby approved and confirmed and that the residue of said Estate of J. M. Lupton deceased hereinafter described and now remaining in the hands of said Executor and any other property not now known or discovered which may belong to the said Estate or in which the said estate may have any interest be and the same is hereby distributed as follows

1885
Oct 23

towit;

The whole thereof to Jonathan F. Lupton sole devisee and legatee under the Will of said J. M. Lupton deceased.

And it is further ordered, That the said L. P. Settle Executor upon payment and delivery of the said residue as hereinbefore ordered and upon filing due and proper vouchers and receipts therefor in this Court, be fully and finally discharged from his trust as such Executor.

The following is a description of the said residue of said estate referred to in this decree of which distribution is ordered adjudged and decreed as aforesaid to wit.

<Certain personal property>

All his interest in his Mother's estate being 1/4 interest therein.

Also 1/4 interest undivided in the following described real estate in Santa Clara Co consisting of two parcels viz.,

1st About 18 Acres of land bounded on the North by Minnesota Avenue; on the East by Lupton Ave On the South by the lands of Hanson On the West by Hicks Ave and

1885

Oct 23 being located in the Willows so called.

<And other property>

Done in open Court October 16 1885

Jas C. Spencer
Superior Judge.

A certified Copy of above Decree was recorded in the Co. Recorder's Offic Nov 10" 1885 in Liber L of Miscellaneous p 591.

Nov 13 Receipt of Jonathan F Lupton on Distribution filed.

" " Decree of Final Discharge of Executor made entered and filed. Pro Rec 26 p 291

41

In the Superior Court of the State of California in and for the County of Alameda

---

In the Matter of the
Estate and Guardianship
—of—
James A Eastirday
—a Minor

Order authorizing Guardian to make Partition of Minors property held as tenant in common with J.T. Lupton et al

Dated Nov 2. 1885

It appearing to the Court that the above named minor James A Eastirday is a tenant in common with Jonathan T Lupton, Lola J. Allison, Nancy J Eastirday and Mary R. Eastirday to the extent of one undivided twelfth part of the promissory note not yet due amounting to the sum of $2600 00 and also of the following described real estate viz:
That track of land bounded on the North by Minnesota Avenue on the East by Lupton Avenue and on the South by lands of J B Hanson and on the West by Hicks Avenue
Containing about 18 64/100 Acres of land
(and other property)
And it further appearing to the Court

that all said persons except said James A Eastirday are of lawful age and that all han agreed upon and desire to make without action a partition and divisim of all said property among themselves and also that Joseph Tyson the duly appointed qualified and acting Guardian of the person and estate of said James A Eastirday a minor agrees and consents to said partition without action and agrees to the part and share set off and allotted to said minor therein as hereinafter set forth and it further appearing that said share as set off to said minor is his fair portion of said property.

Now therefore it is ordered that said Guardian may partition said land and property on behalf of his said ward in the manner agreed upon between said parties which partition is hereinafter discribed and it is further ordered that said Guardian execute a release and partition deed on behalf of his said ward to the owners of the other shares of said lands and property and of the parts to which they may be respectively entitled and as hereinafter set forth and to that end join in a partition deed as aforesaid. Said partition so agreed on is as follows viz:

To Jonathan T Lupton in severally all the right title and interest in and to the promissory notes above named and also all the right title and interest in and to that portion of lands situated in the County of Santa Clara known as Lot 2 of the lands of Jonathan Lupton deceased containing 20 7/100 Acres of land as laid down on a map made by E. Rayner in 1873 and described as follows.

(Not that under search)

To Lola J Allison all the right title and interest in and to that lot of land situate in the County of Santa Clara and described as follows (Not that under search)

To Nancy J Easterday, Mary R Easterday and James A Easterday all the right title and interest in and to that lot of land situate in the County of Santa Clara and described as follows

Beginning at a stake marked L. 5 standing in the West line of Lupton Avenue and at the Northernmost corner of the 10 Acre tract deeded by G. J. Lupton to J B Hanson by deed dated Dec 23. 1881 and running thence along the West line of said Lupton Avenue N 4° 20' W 12.64 chs to a stake marked G. J. L standing at the intersection of said West line of said Lupton Avenue with the South

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line of Minnesota Avenue thence along the South line of the latter Avenue S 85° 55' W 7.38 chs to a stake marked J.L. 2 thence at right angles to the last course S 4° 10' E 12.60 chs to a stake J.L. 1 standing in the North fence line of J B Hansen's 10 acre tract thence along the North line of said Hansen's 10 acre tract N 86° E 7.40 chs to the place of beginning Containing 9.32 acres of land

Done in open Court November 2. 1885

N Hamilton

Superior Judge

(Endorsed)

Filed Nov 3rd 1885

Charles T Boardman

County Clerk

By Frank J Krauth

Deputy Clerk

Certified to November 2nd 1885

By Chas T Boardman County Clerk

By Frank J Krauth Deputy Clerk

Recorded Nov 3. 1885

Liber L of Misc f 573

Jonathan F Lupton
party of the first part
Lola J. Allison
party of the second part

and

Nancy Jane Eastirday
Mary Rubecca Eastirday and
Joseph Tyson as guardian
of James A Eastirday
parties of the Third part

Partition Deed

Dated Nov 4. 1885

Recitals: That the said Jonathan F Lupton. Lola J Allison Nancy J. Eastirday, Mary R Eastirday and James A Eastirday the latter a Minor are the owners as tenants in common of three certain promissory notes amounting in the aggregate to $2600.00 and also two tracts of land in Santa Clara County discribed as follows.

1st That tract bounded on the North by Minnesota Avenue on the East by Lupton Avenue and the South by lands of J.B. Hansen and the West by Hicks Avenue containing about 18 67/100 Acres of Land. (and other property)

And they are so the owners of said personal and real estate in the

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SEARCHER OF RECORDS
SAN JOSE. CAL.

following proportions Viz the said Jonathan F Lupton is the owner of an equal undivided half thereof the said Lola J. Allison of an equal undivided fourth thereof and the said Nancy J. Easterday Mary R Easterday and James A Easterday each of an equal undivided 1/12 thereof and the have agreed to make partition of said real and personal property as hereinafter set forth in this their deed of partition and Joseph Tyson the general guardian of the person and estate of said James A Easterday consents to and joins in this partition upon an order of the proper Court which order is Recorded in Book L page 573 Miscellaneous Records of Santa Clara County and is hereby referred to and made a part hereof.

Now in consideration of the premises and in pursuance of said agreement the said parties of the second and third part hereby grant release and convey unto the said Jonathan F Lupton all their right title and interest in and to said promissory notes and also all their right title and interest in and to that part and portion of said lands situated in the County of Santa Clara and known as Lot 2 of the lands of the Estate of Jonathan Lupton deceased containing

20 2/3 Acres of land as laid down on a Map thereof made by E. Rayner in 1873 and described as follows

(Not that under search)

To have and to hold in severalty to him and his heirs and assigns forever with the appurtenances.

The said parties of the first and Third part hereby grant release and convey unto the said Lola J Allison all their right title and interest in and to that lot of land situate in the County of Santa Clara being a part of said lands hereto for held in common which is described as follows. (Not that under search)

To have and to Hold to her and her heirs and assigns forever in severalty

The said parties of the First and Second part hereby grant release and convey unto Nancy J. Easterday Mary R Easterday and James A Easterday all their right title and interest in and to that lot of land situate in the County of Santa Clara being a part of said lands hereto for held in common as aforesaid which is described as follows Beginning at a stake marked L.S. standing in the West line of Lupton Avenue and at the Northernmost corner of the 10 Acre track deeded by G.J. Lupton to J B Hausen by deed dated Dec 31-

1881 and running thence along the West line of said Lupton Avenue N 4° 20' W 12.64 chs to a stake marked G. J. L. standing at the intersection of said West line of Lupton Avenue with the South line of Minnesota Avenue thence along the South line of the latter avenue S 85° 50' W 7.38 chs to a stake marked J. L. 2 thence at right angles to the last course S 4° 10' E 12.60 chs to a stake marked J. L. 1. standing in the North fence line of J. B. Hanson's 10. acre tract thence along the North line of said Hanson's 10 acre tract N 86° E 7.40 chs to the place of beginning containing 9.32 Acres of land and being a part of a tract the property of the Estate of G. J Lupton in the Rancho San Jan Bautista Course true Var 16½° E

To have and to hold to the said their heirs and assigns forever in equal shares as tenants in common and to make said partition equal as to the promissory note and lands the said Third parties have each received in addition to the said tract of land above described the sum of $166 66 and also a certain granary now located on the land hereby conveyed to Lola J Allison with the right to remove the same at any time within 6 months the receipt whereof is hereby acknowledged.

(Sig) Joseph Tyson" (Seal)
Guardian of the Person and
estate of James A Easterday
a minor

Mary R. Easterday (Seal)
Jonathan F Lupton (Seal)
Lola J. Allison (Seal)
Jennie Easterday (Seal)

Ackgd Nov 7th 1885
by Joseph Tyson Guardian of
the Person and Estate of
James A Easterday a minor
& Mary Rebecca Easterday
as though a single woman
Bfor Thomas C Shipley N.P. in
and for the County of Alameda

Ackgd Nov 10. 1885
By Jonathan F Lupton

Ackgd Nov 10 1885
by Lola J. Allison
as a married woman

Ackgd Nov 12-1885
by Miss Jennie Easterday
all Bfor B.L. Ryder N.P.

Recrdd Nov 13. 1885
Libr 82 of Deeds f 83

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SEARCHER OF RECORDS.
SAN JOSE. CAL.

Mary R Eastirday

to

W W Cogzus

Deed

Dated March 23. 1887

Cons $120 00

Does grant bargain sell convy and con=
firm unto the said party and to his
heirs and assigns forver all her right
title and intirst in that piece of land
situate in the County of Santa Clara
and described as follows

Beginning at a stake marked L.S. stand=
ing in the West line of Lupton Avnue
and at the Northmost corner of the
ten acre track deeded by G.J. Lupton
to J B Hanson by deed dated Dec 23d
1881 and running thence along the West
line of Lupton Avnue N 4° 20' W 12.64
chs to a stake marked G.J.L standing
at the intersection of said West line
of Lupton Avnue with the South line
of Minnesota Avnue thence along
the South line of the latter Avnue
S 85° 50' W 7.38 chs to a stake marked
J.L.2 thence at right angles to the
last course S 4° 10' E 12.60 chs to a stake
marked J.L.1 standing in the North
fence line of J B Hanson's ten acre tract

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SEARCHER OF RECORDS.
SAN JOSE. CAL.

thence along the North line of said Hansen's
ten acre tract N 86° E 7.40 chs to the place
of beginning Containing 9.32 Acres of land
and being a part of a tract the property of
the Estate of G J Lupton in the Rancho
San Juan Bautista Surveyed Var 16½°
E.

(Sig) Mary R Eastirday (Seal)

Witness
F B Laine

Ackgd March 20. 1887
by Mary R Eastirday
(as though a single woman)
Befor J E Fisher N P

Recrded March 20. 1887
Liber 91 of Deeds Pg 3d

In the Superior Court of the County of Alameda State of California

---

In the Matter
of the Estate
of
James A Easterday
a Minor

Order Confirming Sale of Real Estate

Dated Nov 29. 1887

Joseph Tyson the Guardian of the Person and Estate of James A Easterday a Minor having made to this Court and filed in the office of the Clerk thereof his return of his proceedings under the order of private sale herein and said matter coming on regularly this day to be heard, and it duly appearing to the Court from the documentary and oral testimony herein produced that in pursuance of said order of sale and as ordered by the Court said Joseph Tyson guardian as aforesaid caused notice of the said sale to be posted up in three of the most public places in the said County of Santa Clara in which the land ordered to be sold is situated and to be published in the Evening News a newspaper printed and published in the same County of Santa Clara for two

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SEARCHER OF RECORDS
SAN JOSE, CAL.

weeks successively next before the day on or after which the sale was to be made in which order of sale and notice the lands and premises to be sold were described with common certainty as follows to wit: The undivided one third of the following described real estate in Santa Clara County Cal.

(Same as described in Libr 91 of Deeds p 30 Easterday to Coggins)

That at such sale W W Coggins became the purchaser of the whole of said real estate for the sum of $1200 00 in U S Gold Coin 10% down and the balance on confirmation and delivery of deed he being the highest and best bidder and said sum being the highest and best sum bid therefor. And it appearing to the Court that said sale was legally made and fairly conducted and the Court being fully advised in the premises

Wherefore it is by the Court here Ordered and Decreed that the said sale be and the same is hereby confirmed and approved and the proper and legal conveyances of all said real estate are hereby directed to be executed to said purchaser by said Joseph Lyon.

Done in open Court this 29th day of Nov 1887

N. Hamilton

Superior Judge

(Endorsed)

Filed Nov 29. 1887

Chas T Boardman County Clerk
By C W Adams Deputy Clerk

Certified to Nov 29. 1887
By Chas T Boardman County Clerk
of the County of Alameda and ex officio
Clerk of the Superior Court in and for said Co
By Robert Edgar Deputy Clerk

Recorded Dec 7. 1887
Liber O Misc Pg 201

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SEARCHER OF RECORDS
SAN JOSE, CAL.

87

Joseph Tyson
the duly appointed
qualified and acting
guardian of the Person and
Estate of
James A Eastirday. a Minor
To
W W Coggens

Deed

Dated Dec 10. 1887

Cons $120 00

Recits That on May 9th 1887 the Superior
Court of the County of Alameda in the
State of California made an order bearing
date on that day authorizing the said
first party to sell at private sale for cash
certain real estate belonging to said
minor situate in said County of Santa
Clara and hereinafter described. And
under and by virtue of said order afore-
said and pursuant to legal notice
thereof given the first party on July
22. 1887 sold said real estate described
in said order of sale at private sale and
at such sale Second party became the
purchaser of said real estate hereinafter
described for the sum of $120 00 he being
the highest bidder.

And said Superior Court upon due

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SAN JOSE. CAL.

and legal return of his proceedings under said order of sale and after due and legal notice in that behalf given and made afterwards to wit on Nov 29. 1887 by his order in that behalf given and made confirmed said sale and ordered and directed first party to make execute and deliver to second party a conveyance of said real estate, a certified copy of which said last named order of confirmation was recorded in the office of the County Recorder of Santa Clara County in Liber Q Miscellaneous Records page 200 which said order so recorded as aforesaid is hereby referred to and made a part hereof Now to Grant bargain sell and convey to second party his heirs and assigns forever all the right title interest and estate of said James A Eastaday a minor in and to that piece of land situate in the County of Santa Clara and described as follows.

(Same as in Liber 91 of Deeds page 20 Eastaday to Noggins)

The interest hereby conveyed being the undivided 1/3d of the above described premises

(Sig) Joseph Tyson (no seal refers to one)
Guardian of the Person and
Estate of James A Eastaday
a Minor

Witness
Chas E Lewis

Ackgd Dec 10. 1887
by Joseph Lyon.
as Guardian of the Person and
Estate of Jas A Eastaday a Minor
Befor Chas E Lewis N.P.

Recorded Feby 6. 1888
Liber 103 of Deeds fo 120

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SEARCHER OF RECORDS
SAN JOSE. CAL.

BMA HOUSE CMT
OF MUNICIPAL RESEARCH
SUNNYSIDE 77 AVENUE

N. J. Eastirday

To

W. W. Coggens

Deed

Dated March 17. 1888

Cons $1200 00

Does grant bargain sell convey and confirm unto the Second party and to his heirs and assigns forever all her right title and interest in that piece of land situate in the County of Santa Clara and discribed as follows

(same as in Libr 91 of Deeds page 30 Eastirday to Coggens)

(Sig) Miss N. J. Eastirday (Seal)

Witness

Guy S. Salisbury

Ackgd March 19-1888

by Miss N. J. Eastirday (a femme sole)

Bfor Guy S. Salisbury N.P.

Recrded March 19-1888

Libr 112 of Deeds Pg 626

EDWARDS & PITMAN
SEARCHER OF RECORDS
SAN JOSE, CAL.

IONA D. & PITMAN
SHORTHAND REPORTERS
SAN JOSE, CAL.

Taxes

State and County

1873-74 to 1886-7 inclusive Paid
1887-88 Paid-
1888-89 Now a Lien

No. Judgment Liens

San Jose March 21-1888
at 9 o'clock A.M.
Edwards & Pitman
Searchers of Records.

EDWARDS & PITMAN
SEARCHER OF RECORDS.
SAN JOSE. CAL.

SHARON & HYDE
LEGAL RECORDS
SAN JOSE, CAL.

14/389

1.

In the Superior Court, of the County of Alameda

State of California,

In the Matter of the Estate and Guardianship

of

James A. Easterday, a Minor,

Case 1051.

1885

May.21st. Petition of James A. Easterday filed.

Shows that petitioner is the Minor child of Sol. Easterdy. That said Minor has no Guardian and is a resident of Alameda County State of California, and has estate in Santa Clara County which needs the care and attention of some fit and proper person. That Joseph Tyson of said Alameda County is a fit and proper person and he hereby nominates said Tyson as his Guardian.

That it is necessary and convenient that a Guardian be appointed to the person and estate of petitioner. That he is of the age of 17 years and over. Said Minor is at present under the care of his father, Sol. Easterdy .

That the only relatives of said Minor residing in said County of Alameda is his said father Sol. Easterdy, and his sister Mary R. Easterdy.

Prays for the appointment of said Joseph Tyson as

Guardian of said Minor etc.

May.21st. Order directing Notice of Application for Guardianship to be given to relatives of Minor Filed and entered. Recites the foregoing application and orders and directs that personal Notice thereof be given to said Sol. Easterday and Mary R. Easterday by citation at least 5 days before June 1st.1885 requiring said parties to appear before the Judge at the Superior Court Room at the Court House in the City of Oakland in said County on June 1st.1885 at 10 o'clock A.M.,then and there to show cause etc. why said Joseph Tyson should not be appointed Guardian of the person and Estate of said Minor.

June 1st. Citation to Sol. Easterday and Mary R. Easterday dated May 21st.1885 filed. Cites said parties to appear at the Court Room of Department 3 at the Court House in the City of Oakland,County of Alameda on June 1st.1885 at 10 o'clock in the fore noon of that day to show cause etc.

Said Citation is endorsed as follows, "Due service of the within Citation is hereby Adminitted by Copy of same as of the date of May 25th. th. 1885.

S. W. Easterday."

June 1st. Order filed and entered, It appearing to the Court that the Citation heretofore issued in this Matter has not been served on all the parties as required etc. the hearing is continued until June 8th.1885, at 10 o'clockA.M.,and it is ordered that a new

Citation be issued herein returnable on said June 8th. 1885 at 10 o'clock A.M. and that it be served at least 3 days before said date on Sol. Easterday the father of said Minor and Mary R. Easterday his sister, they being the only relatives of said Minor residing in "this" County.

June 1st. Citation issued in obedience to the foregoing order Returned and filed June 8th.1885. S.W.Easterday admits service June 1st. 1885 and consents to the appointment of Joseph Tyson as Guardian.
Also J.A.Trefry Constable of Washington Township Alameda County certifies that he served the "within Citation" on the within named Mary R. Esterday and Soll Esterday by delivering to them personally a Copy thereof on June 2nd.1885 at said County of Alameda.

June 8th. Order filed and entered appointing Joseph Tyson Guardian of the person and Estate of said Minor and directing that Letters of Guardianship issue to him upon his giving bond in the penal sum of $600.00.

June 15th. Bond filed and recorded.

" " Letters of Guardianship to Joseph Tyson, issued.
Duplicate Letters filed, June 29th.1885.

Nov.2nd. Petition of Joseph Tyson filed. Shows, that he is the duly appointed qualified and acting Guardian of the person and estate of James A. Easterday, a Minor. That said Minor is the owner of 1/12th..

undivided interest in 3 Notes which amount in the aggregate to $2600.00 ,and also one undivided twelfth of the Real Estate hereinafter described as tenants in common with Jonathan F. Lupton, Lola J. Allison, Nancy J. Easterday and Mary R. Easterday, all of full age except the said James R. Easterday. That all said tenants in common have agreed upon a partition of said real estate and personal property and desire to make,without action,partition among themselves of the same, and Petitioner as Guardian of said Minor consents thereto and to the share set off to said Minor and as herein set forth which share petitioner alleges to be said Minors fair share and portion of said land etc.

Said land is situated in Santa Clara County,State of California and described as follows:-

1st. That tract of land bounded on the North by Minnesota Avenue,East by Lupton Avenue,South by lands of J.B.Hanson and on the West by Hicks Avenue, containing about 18 and 64/100 Acres lying in the Willows so called near the City of San Jose.

2nd. That other tract of land bounded on the North by lands of Bradly Smith, on the East by lands of Royal Cottle,on the South by lands of Desmone Brothers and on the West by lands of Lola J. Allison,Containing 20 and 20/100 Acres ,and also lying in the Willows so called,near the City of San Jose.

The partition so agreed on is as follows, viz:-

To said Jonathan F. Lupton is given and granted said 3 Notes and there is set apart to him as his share of said Real Estate in severalty,certain real Estate (described by metes and bounds.)
To Lola J. Allison in severalty certain other real Estate describing same, and
To Nancy J. Easterday,Mary R. Easterday and James A.Easterday and to each of them the sum of $166.66 in severalty,and as tenants in common share and share alike the following part and portion of said real estate viz:-

Beginning at a stake marked L5 standing in the West line of Lupton Avenue and at the Northernmost corner of the 10 Acre tract deeded by G.J.Lupton to J.B.Hanson December 23rd.1881,and running thence along the Western line of said Lupton Avenue North 4 degrees 20 minutes West 12.64 Chains to a stake marked G.J.L. standing at the intersection of said West line of the Lupton Avenue with the South line of the Minnesota Avenue,thence along the South line of the latter Avenue South 85 degrees 50 minutes West 7.38 chains to a stake marked J.L.2 thence at right angles to the last course South 4 degrees 10 minutes East 12.60 chains to a stake marked J.L.1 standing in the North fence line of J.B.Hansons 10 Acre tract;thence along the North line of said Hanson's 10 Acre tract North 86 degrees East 7.40 chains to the place of beginning,

containing 9.32 Acres.

Prays for an order Authorizing and directing petitioner to carry out and perfect said partition etc.

Nov.2nd. Order filed and entered.

It appearing that said share so set off to said Minor is his fair and just portion of said property Now therefore it is ordered that said Guardian may partition said lands and property on behalf of his said Ward in the manner agreed upon between said parties which partition is hereinafter described, and it is further ordered that said Guardian execute a release and partition deed on behalf of his said Ward to the owners of the other shares of said lands etc.

Said partition so agreed upon is as follows,viz:-

(Here follows partition identical with that set forth in the petition and hereinbefore shown.)

1886

May 7th. Order filed and entered appointing J.T.Colby, John H. Moore and Joseph Rucker, appraisers.

" " Certificate to Appraisers issued.

Attached is oath of John H. Moore and J.E.Rucker dated March 12th.1887.

1887

Mch.16th. Inventory and Appraisement, filed.,properly verified by John H. Moore and J.E.Rucker.

Appraises the Minors interest in Real Estate

described as in said Petition of Partition and herein before described, at $932.00.

May 9th. Petition for Sale of Real estate, filed.

Recites appointment of petitioner as Guardian, return of Inventory etc. The following is a description of the real estate and the condition of the whole estate of his said Ward that nas come to his possession or knowledge, to wit:- The undivided 1/3rd. of the following described Real estate in Santa Clara County California, Beginning at a stake marked L5 standing in the West line of Lupton Avenue and at the Northermost corner of the 10 Acre tract deeded by G.J.Lupton to J.B.Hanson by deed dated December 23rd.1881 and running thence along the West line of Lupton Avenue North 4 degrees 20 minutes West 12.64 chains to a stake marked G.J.L. standing at the intersection of said West line of Lupton Avenue with the South line of Minnesota Avenue;thence along the South line of the latter Avenue South 85 degrees 50 Minutes West 7.38 chains to a stake marked J.L.2; thence at right angles to the last course South 4 degrees 10 minutes East 12.60 chains to a stake marked J.L.1 standing in the North fence line of J.B.Hansons 10 Acre tract;thence along the North line of said Hansons 10 Acre tract North 86 degrees East 7.40 chains to the place of beginning, Containing 9 and 32/100 Acres and being part of a

tract of the property of the Estate of G.J.Lupton in the Rancho San Juan Bautista.Courses true, Variation 16 and 1/2 degrees East.

That said real estate is held in common with his two sisters who are of full age and have sold and agreed to convey their interests to one W.W.Cozzens who will demand a partition thereof unless he can purchase the Minors interest.That in case of such partition the amount of land to be set off to the Minor would be less than 4 acres and it would be difficult either to sell it or in any way make it produce a revenue.That said minor has no estate to improve it with,That said real estate can now be sold for a considerable sum money if sold with the other interests which money can be put at interest so as to produce a much larger revenue than said land does etc. Prays for an order directing the next of kin of said Ward and all persons interested to appear before this Court to show cause etc. why an order of sale should not be granted etc.

Also prays that he have an order to sell at private sale. Petition verified by Joseph Tyson.

May 9th. Consent of Jonathan F. Lupton,Uncle, N.J.Easterday Sister, Mollie R. Easterday,sister,S.W.Easterday, father, the next of kin of said minor and being all the persons interested in his estate,to the Court making an order of Sale asked for by his Guardian,

Code of Civil Procedure § 1783 Interpolated

filed.

May 9th. Order filed and entered.

Recites the foregoing petition etc. And it appearing to the Court that it would be beneficial to said Ward that such real estate should be sold, and said Guardian having filed with his said petition the written consent of the next of kin of said Ward and of all persons interested in said estate and due proof being made in the premises, the Court having heard and examined the proofs and allegations of petitioner neither any of the next of kin nor any other person interested in said estate or otherwise opposing the said application etc. it appearing that the real estate hereinafter described is unproductive and is owned by said Ward with two other persons who have sold their interests therein and that said Wards interest is likely to bring more if sold now than it would otherwise etc. and that it is expedient that all said real estate be sold for the cause that it is a small tract unproductive and not liable to increase in value and is liable to sell for a greater price if sold with the other interests. And it further appearing that no good reason exists why said order of sale should not be granted as prayed for etc. etc. It is hereby ordered, adjudged and decreed, That said Joseph Tyson Guardian etc. do and he is hereby authorized to sell all the

right title and interest of his said Ward in and to the following real estate at public or private Sale for cash and for the reason that it is unproductive etc. It is further ordered that the said Guardian shall before said sale give bond to the Superior Judge of said County in the sum of $2400.00 etc.

The following is the real estate hereby authorized to be sold,(Here follows same description as in petition for order of Sale and hereinbefore set forth.)

May 16th. Bond of Guardian filed and recorded.

Nov.16th. Return and account of Sale of real estate ,filed. Recites the foregoing order of sale,that in pursuance thereof he caused notice of the time and place of making said sale to be posted in 3 of the most public places in the County of Santa Clara in which County the land ordered to be sold is situated and to be published in the"Evening News",a daily paper printed and published in the same County for two weeks successively next before the day on or after which such sale would be made in which Notice the lands to be sold were described with common certainty. That said Notice stated a day on or after which the sale would be made and a place where offers or bids would be received etc. That on July 20th.1887 he received one bid in writing from W.W.Cozzens for said property offering

therefor the sum of $1200.00 cash, which bid on July 22nd. 1887 he accepted etc. That he received no other bid, that said Cozzens became the purchaser of said real estate for the sum of $1200.00 he being the highest and best bidder and said sum being the highest and best sum bid therefor. that the sale was legally made and fairly conducted and that the sum so bid is not disproportionate to the value of the property sold and that a sum exceeding such bid by ten per cent exclusive of the expenses of a new sale cannot be obtained. That the property sold is described as follows, viz:- Here follows same description as in petition for order of sale except that after the words " "standing in the North fence line of J.B.Hanson's 10 Acre tract" the words "thence along the North line of said Hanson's 10 Acre tract" are omitted. Said return bears date as follows. "Dated Sept _____ 1887" and is not signed or verified.

See 63 Cal 1677 Cooley P. 918.

Nov.16th. Bid of W.W.Cozzens and acceptance thereof by Joseph Tyson Guardian etc. filed.

Nov.17th. Order filed and entered fixing November 29th.1887 at 10 o'clock A.M. for the hearing upon said return and directing the Clerk to give 10 days notice thereof by posting notices in 3 of the most public places in said Alameda County etc.

Nov.19th. Affidavit of posting Notices in 3 public places

naming them, on November 18th.1887, filed.
The description of real estate in said Notice is the same as in the Return.

Nov.29th. Affidavit of Chas.W.Williams filed, Deposes that he is the principal Clerk of the printers of the Evening News a daily newspaper published and printed in San Jose, Santa Clara County California, and was such at the time of the publication referred to, that the Guardians Sale of which the annexed printed slip is a true copy, was published in said Newspaper for 2 consecutive weeks from June 30th.1887 to July 16th.1887 inclusive, Sundays and July 4th.1887 excepted.
Annexed is printed copy of Guardian's Sale, gives notice that said Guardian etc. will sell at private sale for cash etc. (the premises described as in the petition) Gives further Notice in compliance with the directions of said order of sale and state that bids can be sent in at once and continue until July 18th.1887 on or after which day said sale will be made.

Nov.29th. Order confirming sale filed and entered.
Joseph Tyson Guardian etc. having made to this Court and filed in the office of the Clerk thereof his return of his proceedings under the order of sale herein, and said matters coming on regularly this day to be heard, and it appearing to the Court that in pursuance of said order said Guardian

caused notice of said Sale to be posted up in 3 of the most public places in the County of Santa Clara in which the land ordered to be sold is situated and to be published in the Evening News a newspaper printed, and published in the same County of Santa Clara for two weeks successively next before the day on or after which the sale was to be made, in which order of sale and notice , the lands to be sold were described with common certainty as follows to wit:-

Here follows same description as in the petition for order of Sale except that the word "Lupton" whereever it occurs is here spelled "Lumpton".

That at such sale W.W.Cozzens became the purchaser of the whole of said real Estate for the sum of $1200.00 United States Gold Coin, ten per cent down and the balance on Confirmation and delivery of deed, he being the highest and best bidder etc.

And it appearing to the Court that said Sale was legally made and fairly conducted etc.

It is ordered, adjudged, and decreed that the said sale be , and the same is hereby Confirmed and approved, and the proper and legal conveyances of all said real estate are hereby directed to be executed to said purchaser by said Joseph Tyson.

Done in open Court November 29th. 1887.

N. Hamilton, Superior Judge.

The foregoing thirteen pages contain a full and complete Abstract of all the proceedings had in the Superior Court of the County of Alameda, State of California, In the Matter of the Estate and Guardianship of James A. Easterday, a Minor.

Oakland, Alameda County, March 28th. 1888,

Stocker & Schramm

SEARCHERS OF RECORDS.

Examination of Title

—TO—

In the matter of the Estate and Guardianship of J. A. Easterday.

a Minor.

For

W. W. Cozzens Esq.

TERMS CASH.

STOCKER & SCHRAMM,

SUCCESSORS TO

LAWRIE & SCHRAMM,

SEARCHERS OF RECORDS,

420 EIGHTH STREET,

OAKLAND, CAL.

AUG. M. SCHRAMM. **A. H. STOCKER.**

No. 2734 Vol. No 14 Page 389.

Sears & Brower, Stationers and Printers, 907 Broadway, Oakland.

Continuation
of
The Foregoing Abstract.

As to

The same property.

EDWARDS & PITMAN,
PAGE
Searchers of Records

B–2–4–89–10 M.

CERTIFICATE WANTED.

DEPOSITED BY

.....

PAYABLE TO

.....

Amount .....

Date ..... *18* .....

B-2-4-89-10 M.

EXCHANGE WANTED

ON

.....

In favor of

..... $ .....

..... $ .....

..... $ .....

..... $ .....

..... $ .....

..... $ .....

BY

.....

W.W.Cozzens

——— To ———

Catherine E.Tittel

(widow)

M O R T G A G E.

Dated May 15th.1888

To secure the payment of $5000.oo in 2 years with interest at 8 °/° per annum payable semi-annually or to compound.

Conveys the tract of land situate in the County of Santa Clara and described as follows:

Beginning at a stake marked L.5.standing in the West line of Lupton Avenue and at the Northernmost corner of the 10 acre tract deeded by G.J.Lupton to J.B.Hanson Dec.23rd.1881 and running thence along the Western line of said Lupton Avenue North 4°20' West 12.64 chains to a stake marked G.J.L.standing at the intersection of said West line of the Lupton Avenue with the South line of Minnesota Avenue:thence along the South line of Minnesota Avenue South 85°50' West 7.38 chains to a stake marke J.L.2. thence at right angles to the last course South 4°10' East 12.60 chains to a stake marked J.L.1,standing in the North fence line of J.B.Hanson's 10 acre tract: thence along theNorth line of said Hanson's 10 acre tract North 86°East 7.40 chains to the place of beginning.

Containing 9.32 acres.

(Signed) W.W.Cozzens (Seal)

EDWARDS & PITMAN
PAGE 2
Searchers of Record

Ackg'd May 16th.1888

By W.W.Cozzens

Before Chas.E.Howes N.P.

Recorded May 16th.1888

Liber 77 of Mortgages,page 572

EDWARDS & PITMAN,
PAGE
SEARCHERS OF RECORD
3

James A.Easterday

—— To ——

W.W.Cozzens

D E E D.

Dated May 14th.1890

Cons:$10.oo

Does grant,bargain,sell,convey and confirm unto the second party and to his heirs and assigns forever, all that parcel of land situate in the County of Santa Clara and described as follows:

(Same as in Liber 77 of Mortgages,page 572 Cozzens To Tittel)

The interest hereby conveyed being the undivided one-third of the above described premises.

(Signed) J.A.Easterday (Seal)

Witness: "J.L.Gregory"

Ackg'd May 16th.1890

By James A.Easterday whose identity was satisfactorily proven by oath of "Louis Gregory" a competent and credible witness.

Before Jno.G.Mattos,Jr., N.P. in and for the County of Alameda.

Recorded May 27th.1890

Liber of Deeds,page

EDWARDS & PITMAN
PAGE 4
Abstracters of Records

CONTINUED TAXES.

STATE and COUNTY.

9.32 acres Narvaez Rancho.

Fiscal years	
1888-89	Paid
1889-90	Paid
1890-91	Now a lien.

NO JUDGMENT LIENS.

San Jose, California,
May Twenty Seventh, 1890
at 12 o'clock M.

Edwards & Pitman

SEARCHERS of RECORDS.

EDWARDS & PITMAN
PAGE 5
Searchers of Records